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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 FRANK LAPENA,

12 Plaintiff,

13 vs.

14 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a government entity;
15 CLARK COUNTY, a political subdivision
of the State of Nevada and Government
Entity; CHARLES LEE, an Individual and
16 Police Officer and District Attorney
Investigator; the Estate of CHARLES LEE;
17 BEECHER AVANTS, an Individual and
Police Officer and District Attorney
Investigator; the Estate of BEECHER
18 AVANTS; MICHELE WHITNEY, an
Individual and Police Officer; O.R. "Ray"
19 LYONS, an Individual and Police Officer;
20 JERRY KELLER, an Individual and
Sheriff, in his individual and official
21 capacities; DAVID SCHWARTZ, an
Individual and Prosecutor; MELVYN
22 HARMON, an individual and Prosecutor;
the Estate of MELVYN HARMON;
23 CLARK PETERSON, an individual and
Prosecutor; PAMELA WECKERLY, an
24 individual and Prosecutor; MARC

) CASE NO. 2:21-cv-2170 JCM-NJK

) **STIPULATION TO EXTEND DEADLINE
FOR PLAINTIFF TO RESPOND TO:**

) **THE CLARK COUNTY DEFENDANTS'
MOTION FOR PARTIAL JUDGMENT ON
THE PLEADINGS [ECF 49]; AND**

) **THE LVMPD DEFENDANTS' SECOND
MOTION FOR PARTIAL DISMISSAL
[ECF NO. 65];**

) **AND ORDER**

) **(FIRST REQUEST)**

1 DIGIACOMO, an individual and)
 2 Prosecutor; BOB MILLER, an Individual)
 3 and District Attorney; STEWART BELL,)
 4 an Individual and District Attorney;)
 5 DAVID ROGER, an individual, Prosecutor)
 6 and District Attorney; STEVE WOLFSON,)
 7 an individual and District Attorney;)
 8 Defendants.)

6 COMES NOW the Plaintiff, FRANK LAPENA, by and through his counsel, Lisa A.
 7 Rasmussen, Esq., of the Law Offices of Kristina Wildeveld & Associates, Defendants CLARK
 8 COUNTY, DAVID SCHWARTZ, CLARK PETERSON, PAMELA WECKERLY, MARC
 9 DIGIACOMO, BOB MILLER, STEWART BELL, DAVID ROGER and STEVE WOLFSON
 10 (the “Clark County Defendants”), by and through their counsel, Thomas D. Dillard, Esq., of Olson
 11 Cannon Gormley & Stoberski, and Defendants LAS VEGAS METROPOLITAN POLICE
 12 DEPARTEMENT, MICHELE WHITNEY, AND JERRY KELLER, by and through their
 13 counsel, Craig R. Anderson, Esq., of Marquis Aurbach, (collectively, the “Parties”) and hereby
 14 stipulate pursuant to LR IA 6-1 and LR IA 6-2 to extend Plaintiff’s response deadlines and the
 15 briefing schedule for the Clark County Defendants’ Motion for Partial Judgment on the Pleadings
 16 filed January 28, 2022 [ECF No. 49], and the LVMPD Defendants’ Second Motion for Partial
 17 Dismissal filed February 1, 2022 [ECF No. 65], as follows:

18 1. Plaintiff’s Complaint was filed in the Eighth Judicial District Court on November
 19 2, 2021. It was removed to this Court on December 9, 2021. [ECF No. 1].

20 2. On December 16, 2021, Defendants Clark County, Clark County District
 21 Attorney’s Office, Bell, Roger, Wolfson, Weckerly, Digiacomo, Schwartz, and Peterson filed an
 22 Answer and a Motion for Partial Judgment on the Pleadings. [ECF Nos. 6 & 8]. The latter motion
 23 was later joined by Defendant Miller on January 3, 2022. [ECF No. 23].
 24

3. On December 22, 2021, the LVMPD Defendants filed and Answer and a Motion for Partial Dismissal. [ECF Nos. 20 & 21].

4. On January 5, 2022, Plaintiff filed an Amended Complaint. The Amended Complaint added additional factual allegations and removed the previously named defendant “Clark County District Attorney’s Office” as a defendant. [ECF No. 24].

5. On January 18, 2022, the Parties filed a stipulation and order to withdraw the Clark County Defendants’ Motion for Partial Judgment on the Pleadings and the LVMPD Defendants’ Motion for Partial Dismissal [ECF No. 47], which the Court granted on January 31, 2022 [ECF No. 58].

6. On January 28, 2022, Clark County Defendants filed their Answer to Plaintiff’s Amended Complaint, and their Motion for Partial Judgment on the Pleadings. [ECF Nos. 48 & 49]. Plaintiff’s response to the Motion for Partial Judgment on the Pleadings is due February 11, 2022.

7. On February 1, 2022, LVMPD Defendants filed their Answer to Plaintiff’s Amended Complaint, and their Second Motion for Partial Dismissal. [ECF Nos. 64 & 65]. Plaintiff’s response to the Second Motion for Partial Dismissal is due on February 15, 2022.

8. Based on the foregoing history, the parties HEREBY STIPULATE to extend Plaintiff’s response dates and the Defendants’ reply dates for the pending motions as follows:

Brief	Current Due Date	Proposed Due Date
Plaintiff’s response to Clark County Defendants’ Motion for Partial Judgment on the Pleadings [ECF No. 49]	February 11, 2022	March 18, 2022
Clark County Defendants’ reply in support of Motion for Partial Judgment on the Pleadings [ECF No. 49]	N/A	April 1, 2022
Plaintiff’s response to LVMPD Defendants’ Second Motion for Partial Dismissal [ECF No. 65]	February 15, 2022	March 1, 2022

1 LVMPD Defendants' reply in support of Second 2 Motion for Partial Dismissal [ECF No. 65]	3 N/A	4 March 15, 2022
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5 IT IS SO STIPULATED this 11th day of February, 2022.

6 **THE LAW OFFICES OF KRISTINA**
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MARQUIS AURBACH

By: /s/ Craig R. Anderson
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Attorneys for LVMPD Defendants

ORDER

IT IS SO ORDERED that Plaintiff's response to the Clark County Defendants Motion for Partial Judgment on the Pleadings [ECF No. 49] shall be due on March 18, 2022, and that any reply in support of the motion shall be due April 1, 2022; and

IT IS FURTHER ORDERED that Plaintiff's response to the LVMPD Defendants Second Motion for Partial Dismissal [ECF No. 65] shall be due on March 1, 2022, and that any reply in support of the motion shall be due March 15, 2022.


UNITED STATES DISTRICT JUDGE

DATED: February 14, 2022